

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:

§

JAMES PICHE

§
§

CASE NO. 09-53934

**NORMA HOLLOWAY
DEBTOR S**

§
§

CHAPTER 13

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION , YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE . IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY ONE DAYS OF THE DATE THIS MOTION WAS SERVED ON YOU . YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE , THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT , YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING .

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

**DEBTOR'S MOTION TO SELL PROPERTY OF THE ESTATE
FREE AND CLEAR OF LIEN**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Debtor herein (hereinafter "Piche/Holloway " or "Movant") now moves the Court for authorization to sell property of the estate free and clear of lien, and in support of the relief requested herein, would respectfully show the Court the following:

1. This case was commenced by the Debtor's voluntary petition on or about October 5 ,2010, and filed schedules herein, listing among the assets a property known as 13102 Feather

Point Drive, San Antonio, Texas 78233. This property was listed as subject to consensual lien in a Deed of Trust;

2. Movant seeks to sell this property for no less than \$85,000.00. Movant desires to sell the property free and clear of lien, with the proceeds to be paid to those claimants whose claims are secured by liens on the Debtor's property described herein;

3. Movant requests the property be sold for not less than \$85,000.00, with the net sales proceeds to be paid at closing firstly to any ad valorem taxing authorities for any past due taxes, for any current and unpaid tax assessments; secondly, the net proceeds shall be paid to the lien holder identified and listed on the Debtor's schedules, and the Bexar County taxing authorities, also listed, to retire the claims secured by such liens in order of their priority, and any remaining funds to be paid to the Debtor as exempt proceeds of the sale of the homestead;

4. Sale of this property will relieve the Debtor's estate of the burden of maintaining payments on the property, while reducing the amount of time required to retire allowed and approved claims of holders of secured claims against the property. The sale of this property is the best interest of the Movant and of the estate's creditors;

5. The Debtor has employed the undersigned counsel to assist in the preparation and presentation of this Motion and requests that the Court Order further that the sum of \$450.00 be approved as an administrative priority expense of this estate and paid to the undersigned counsel as funds to do so become available to the Trustee, and, if not paid by the date of the closing of the sale transaction, be paid by the closing agent directly to the undersigned counsel as an expense of the seller associated with the transaction.

WHEREFORE, premises considered, Movant respectfully prays the Court, upon notice

and hearing as the Court may deem necessary, authorize the sale of the property at 13102 Feather Point Drive, San Antonio, Texas 78233, for a sales price of no less than \$85,000.00, free and clear of liens, with the liens thereon to attach to the proceeds of the sale, and with the proceeds of the sale to be disbursed at closing directly to: (1) holders of claims for past due and unpaid ad valorem taxes on the subject property, as well as for payment of current, pro-rated ad valorem taxes on the subject property; and (2) payment to the consensual lien holders in order of their priority to retire the claims secured by their liens on the subject property; approve the sum of \$450.00 to be paid to Debtor's counsel herein in accordance with the request herein, and for such other further relief as to which the Movant may be entitled.

Respectfully submitted,

_____/s/_____
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Attorney for Movant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served by First Class Mail, postage pre-paid, on February 19, 2010 to those listed below:

/s/

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